THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20820 OF 2005

DATED:23.9.2005

Between:

M/s.Sri Surya Builders, a Partnership firm

Rep. by its Partners Sri Ranjeev Joseph and

P.Dilip Kumar with its office at Plot No.5

Swamy Nilayam, Royal Enclave,

Hasmathpet Road, Bowenpally, Secunderabad

…Petitioner

And

Yapral Das and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20820 OF 2005

ORDER:

The petitioner is a firm. It has allegedly purchased an extent of 3124 Sq.yards in S.No.313 of Alwal Village. It appears, the property in S.No.313 allegedly belong to Venkata Laxmi, Anjaiah, V.Brahmam and Veeramma. The petitioner purchased the land from as many as thirteen vendors who claimed to be legal heirs of Narsinga Rao, Bala Brahmam, Rama Brahmam, Shiva Brahmam Krishna Brahmam of Goddaguda Village, Alwal Municipality. Be that as it is, it appears, first respondent herein claiming himself to be agreement holder in respect of the very same land (agreement having been executed by respondents 2, 3, and 4 herein claiming to be pattadars) sold the lands to third parties from whom the petitioner purchased the property. Respondents 17, 18 and 19 herein, namely, Bollarum Gandaiah, Bollarum

Yellaiah and Bollarum Balaraj, filed an application before respondent No.21 (Revenue Divisional Officer) for occupancy rights certificate (ORC). After receiving the said application in form No.1, the same was forwarded to Mandal Revenue Officer, Malkajgiri, respondent No.20 herein, who conducted enquiry and submitted a report. First respondent herein filed objections to the grant of ORC to respondents 17 to 19. After considering the objections, the Revenue Divisional Officer by order dt.31.8.2005 held that respondents 17 to 19 are entitled for grant of ORC to the extent of Ac.0.27 gts. in S.No.313 of Alwal Village.

Under Section 24 of Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short, the Act), any person aggrieved by order of the Revenue Divisional Officer or refusing to issue ORC, is given a right of appeal which is effective, efficacious and alternative remedy as the issue involves appreciation of relevant evidence. Nonetheless, learned counsel for the petitioner, Sri Pratap Narayan Sanghi, contends that though the petitioner acquired the property under registered sale deed from the purchasers of first respondent, no notice was issued to it by the Revenue Divisional Officer while conducting enquiry under Section 11 of the Act, that the land ceased to be agricultural land and therefore under Section 4(1)(c) of the Act the same would go out of the jurisdiction of the Revenue Divisional Officer and that except the pahani of 1973-74, there was no evidence before the Revenue Divisional Officer to declare the right of the respondents 17 to 19 for ORC. These allegations are refuted by the learned Assistant Government Pleader for Revenue (Assignment).

The Act or the Rules made thereunder are silent as to the nature of the enquiry though while granting ORC the Imams Tribunal i.e., Revenue Divisional Officer is required to adhere to Sections 4, 5 and 6 and the relevant Rules. In this case, after receiving application from the claimants, the Revenue Divisional Officer called for report of the concerned Mandal Revenue Officer, heard the objections and passed orders. Be that as it is, whether Revenue Divisional Officer conducted proper enquiry and whether there was other revenue record which was relevant in the enquiry are no doubt important in an enquiry of the nature conducted by the Revenue Divisional Officer. These questions can be better appreciated by the appellate authority, namely, Joint Collector, Ranga Reddy District. Therefore, except making the observations on prima facie consideration, this Court is not inclined to go into the merits of the case. Liberty is given to the petitioner to file appeal before the Joint Collector Ranga Reddy District within a period of two weeks from today. As and when such appeal is filed, the Joint Collector shall take up the appeal, issue notice to all the aggrieved/concerned persons and dispose of the same within a period of three months thereafter.

The Writ Petition with the above observations is accordingly dismissed. No costs.

(V.V.S.RAO, J)

23.9.2005

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